

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. McTIGUE  
DIRECTOR

August 13, 1992  
AO-92-23

Ms. Emma C. Donnelly  
19 Tanglewood Circle  
Methuen, MA 01844

Re: Reimbursement for Community Meeting

Dear Ms. Donnelly:

This letter is in response to your May 7, 1992, letter requesting an advisory opinion regarding accepting funds personally donated by citizens to reimburse you for costs associated with a community meeting.

You have stated that you are a candidate for state representative. After filing your nomination papers, you moderated a town meeting. This meeting was an outgrowth of work on a local issue with which you had been involved prior to becoming a candidate. In your view, you were acting as a private citizen and not a candidate at this meeting. There was no reference either in the meeting's promotional flyers or at the meeting itself to your candidacy.

You have further stated that during the meeting, some of the people in attendance stated that they wished to reimburse you for the costs, which you voluntarily incurred, associated with the promotion of the meeting. Despite your protestations, a check for \$50.00 and cash in the amount of \$120.00 was left for you at the meeting's end. The total costs incurred by you equaled approximately \$205.00, consisting of \$125 for advertising, \$65 for flyer/copying, and \$15.00 for miscellaneous supplies (overhead projector transparencies, markers, etc.). You seek this Office's advice regarding the proper disposition of the \$170 left for you to help defray the meeting's promotional costs.

The answer to your question comes from a review of the definition of "Contribution" in M.G.L. c.55, the campaign finance law. Specifically, section 1 of chapter 55 states, in relevant part:

"Contribution," a contribution of money or anything of value to an individual [or] candidate . . . for the purpose of

influencing the nomination or election of said individual or candidate . . . . (emphasis added).

Under the circumstances that you have described, it is this Office's opinion that the donations made to help defray the meeting's promotional costs do not constitute a "contribution" for purposes of the campaign finance law. This is because the purpose of the donations was not to influence your nomination or election as a state representative, but merely to help reimburse you for certain costs associated with a meeting unconnected and unrelated to your campaign. The meeting concerned a local issue with which you had been involved for a substantial period of time prior to your becoming a candidate for state representative. In addition, you did not campaign at the meeting or mention your candidacy in any of the flyers or other promotional material relative to the meeting.

I note as well that this activity is also not governed by the concluding paragraph of section 1 which provides, in part:

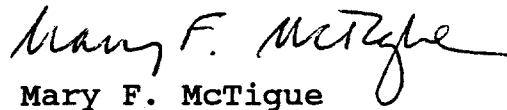
Notwithstanding any other provisions of this chapter, any receipt or disbursement of any money or anything of value by an individual . . . which is not otherwise a "contribution" . . . as defined in this section, resulting from any purchases from said individual . . . whether through the device of tickets, advertisements, or otherwise, for any fund-raising activity, . . . shall be deemed to be a "contribution" . . . if said individual: (1) is a candidate . . . . (emphasis added).

The donations given to you after the so-called town meeting did not result "from any purchases" and were not for a "fund-raising activity."

For all the above reasons, it is this Office's opinion that you may, without violating the campaign finance laws, keep the \$170 donated to you under the circumstances described in this opinion.

This opinion has been rendered solely on the basis of representations made in your letter and your conversations with this Office's General Counsel, and solely in the context of M.G.L. c.55. Please do not hesitate to contact this Office should you have additional questions about this or any other campaign finance matter.

Very truly yours,

  
Mary F. McTigue  
Director